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Letter dated 10 July 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached addendum to the report from Burkina Faso, submitted pursuant to paragraph 6 of resolution 1373 (2001) (S/2002/444) (see annex).

I should be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Counter-Terrorism Committee

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Annex

[Original: French]

Note verbale dated 12 June 2002 from the Permanent Mission of Burkina Faso to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

The Permanent Mission of Burkina Faso to the United Nations presents its compliments to the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism and, with reference to his letter of 16 April 2002, has the honour to transmit herewith an updated version of Burkina Faso's report on the subject (see enclosure).

The Permanent Mission requests the Committee to take note of the changes introduced in section II and to issue the entire report as a document of the Council.

Enclosure

Report of Burkina Faso on the implementation of United Nations Security Council resolution 1373 (2001) on terrorism

Introduction

International peace and security have always been the centrepiece of Burkina Faso foreign policy and are considered prerequisites for the establishment of dialogue between nations and peoples and for instilling confidence and political stability in order to achieve development.

The Government has always condemned the use of violence in international relations.

As far as terrorism in particular is concerned, Burkina Faso has consistently expressed firm and unreserved condemnation of terrorism in all forums in which the issue has been discussed.

I. Political and diplomatic positions

The President of Burkina Faso unequivocally condemned the barbaric acts of 11 September 2001 before the 106th session of the Inter-Parliamentary Union held in Ouagadougou as follows:

> "I must restate my total condemnation of terrorism. There is absolutely no justification for these unacceptably atrocious acts committed against the American people and the citizens of the world."

In a message on the occasion of the National Day, 11 December, the Head of State again reaffirmed his condemnation of terrorism and the commitment of Burkina Faso to fight against that scourge, "We reaffirm our firm condemnation of terrorist acts, irrespective of their source or motive. States should look at the current global geographical picture that is emerging from these events and take heed, for it is becoming increasingly obvious that no nation, not even the most affluent, can seal itself off from the rest of the world."

In his statement at the fifty-sixth session of the United Nations General Assembly, the Minister for Foreign Affairs said, "Burkina Faso is convinced that if it is to be effective, the campaign against terrorism must be part of a coherent and solid world coalition, with its basis in the United Nations. At the same time, it must take into consideration the realities and constraints confronting international relations.

In addition to military action, the campaign must include the most appropriate political and diplomatic measures in order effectively to deal with conflicts and regional political problems and to reduce the injustices and gross inequalities which, because of the frustration they generate, serve as a breeding ground for extremists and fuel violence and hatred.

As our mobilization to fight terrorism must be total, so also must we see to the prior definition of clear objectives and appropriate methods for their

implementation. While it is true that terrorists are our enemies, it is also true that the manner in which we combat them should not provide them with allies." In that regard, President Compaore has stated, "there is a risk that, if we are not careful, the responses to the events of 11 September might lead to a catastrophic scenario for humanity, with a tangled web of conflict:

– conflict between the Judeo-Christian world and the Muslim world;

– conflict between West and East;

– conflict between the rich North and the poor South.

It is therefore crucial for our current leaders courageously to attack injustices and inequalities which fuel violence and hatred".

In his message to the extraordinary session of the Ministers for Foreign Affairs of the Organization of the Islamic Conference (OIC) on terrorism, the Minister for Foreign Affairs said, "the fight against terrorism must be total and global. It must be neither selective nor partial, neither sectoral nor partisan.

The very future of human civilization is at stake."

On Tuesday, 11 December 2001, three months after the attacks, Burkina Faso commemorated the tragic events in accordance with a global initiative led by the United States.

The ceremonies began with the observance of one minute of silence at 13.46 hours GMT — the time at which the suicide attacks began. They continued in the same spirit of contemplation, with a broadcast of the Ditanyé (national anthem) on all radio and television channels nationwide, both public and private.

II. Economic and financial measures

The list of terrorists and terrorist organizations issued by the United Nations Security Council is systematically transmitted to the Professional Association of Banks and Financial Establishments of Burkina Faso with a view to the freezing of any accounts that may be maintained with them.

Furthermore, Regulation R09/98/CM/WAEMU of 20 December 1998, regarding the external financial relations of States members of the West African Monetary and Economic Union (WAEMU), contains a set of provisions which are clearly conducive to combating money-laundering.

In the context of these regulations, financial operations with foreign countries may be conducted only through the Central Bank of the West African States (BCEAO), the postal administration, registered intermediaries or registered manual exchange bureaux. Banks and manual exchange bureaux are registered by decree of the Minister responsible for finance following an extremely rigorous examination of applications accompanied by an investigation of moral standards.

Current payments directed abroad are conducted freely by the various intermediaries subject to the submission to them of supporting documentation.

Apart from the current operations for which a general authorization is given, the list of which is restrictive, all financial operations with foreign countries are subject to prior authorization by the Minister responsible for finance.

Intermediaries must report, for control purposes, payments made or received from abroad.

At the subregional level, Burkina Faso and the other member countries of WAEMU are actively engaged within BCEAO in establishing National Financial Processing Units (NFPUs).

The NFPUs will be composed of five titular members and their alternates, appointed in their personal capacity for a renewable three-year term.

The role of NFPUs will be to receive, analyse and process information capable of establishing the origin of transactions or the nature of operations reported as suspect engaged in by individuals and bodies corporate operating in the community financial environment.

The NFPUs are required to communicate to their counterparts in the other member States, without restriction or prerequisites, information and data forming part of the investigations conducted following a report of suspicion in a State.

They will also have to transmit a detailed monthly statement on the reports of suspicion received and processed to a Central Community Unit (CCU) located at BCEAO headquarters, whose role will be to prepare a summary of the files coming from the NFPUs. This summary will be used as an input for a periodic report on progress in combating capital-laundering in WAEMU submitted for information to the Council of Ministers of the Union. The CCU, which is strictly technical in nature, will be housed in a technical service at BCEAO headquarters.

III. Security measures

The Government has taken additional measures to prevent the possible use of its domestic territory for terrorist purposes. This entails surveillance and monitoring of both nationals and foreign citizens in certain circles.

A system to screen passengers embarking and disembarking in airports and railway stations has been set up.

The issuing of entry visas and residence permits for Burkina Faso is now subject to new conditions, one of them being that an advance request be submitted to the ministry in charge of security which will make a decision based on investigations and verification by the technical services.

The issuing of visas to persons of certain nationalities will also be restricted.

With regard to the campaign against terrorist movements and groups, legislative provisions have been adopted to strengthen the operational capacity of monitoring bodies at borders to scrupulously control the entry and exit of all persons passing through the territory, to detect and combat all forms of trafficking, to prevent any suspicious movement, to screen travel documents and papers and to stamp out any attempt to use them in a fraudulent manner.

The lists of persons suspected of belonging to al-Qa`idah which have been issued by the United Nations Security Council have been posted at various border police posts and in all the security services so that steps can be taken should any of them be identified. Measures have been taken to bar them from Burkina Faso.

The intelligence services have been bolstered in terms of human resources to enhance their functioning.

The acquisition and possession of firearms are governed by new and more rigorous regulations and trafficking in these weapons is being strictly monitored.

A National Commission to Combat the Proliferation of Small Arms (CNLPAL) has been established with the mandate, among others, to identify effective strategies to combat the proliferation of and illicit traffic in small arms and to gather, centralize and make use of any intelligence or information on the manufacture and trade in small arms.

The Government has also set up a high authority responsible for monitoring the import and use of weapons; its mandate is to monitor all weapons imports on the territory of Burkina Faso.

Since the phenomenon of international terrorism is closely linked to organized transnational crime and illicit drug trade, the Government has created a national committee to combat drugs with the main objective of implementing and promoting Government policy to combat drugs; supervise the implementation of international treaties on narcotics to which Burkina Faso is party; centralize all information and records sent by national and international agencies and services specializing in that field; coordinate anti-drug measures adopted by various ministerial departments; study all national and international issues on the cultivation, production, licit and illicit trade and suppression of illegal trafficking in drugs.

With respect to the exchange of operational information, the Burkina Faso security forces have excellent cooperation with their counterparts in other countries, through the International Criminal Police Organization (ICPO) — Interpol, and bilateral and multilateral agreements signed by Burkina Faso. These include:

- the Economic Community of West African States (ECOWAS) convention on mutual assistance in criminal matters, signed in Dakar (Senegal) on 29 July 1992;
- the convention on assistance and cooperation on security matters between the Council of the Entente member States, signed in Kara (Togo) on 15 February 1996;
- the convention on mutual cooperation in the field of justice between the Council of the Entente member States, signed in Yamoussoukro (Côte d'Ivoire) on 20 February 1997.

IV. Legal measures

In terms of legal measures, apart from the above-mentioned conventions, which it has already ratified, Burkina Faso has also ratified the following:

- OAU Convention on the Prevention and Combating of Terrorism, adopted at Algiers on 14 July 1999;
- Convention on Offences and Certain Other Acts Committed on Board Aircraft signed at Tokyo on 14 September 1963;

- Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970;
- Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 23 September 1971;
- Protocol on the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, signed at Montreal on 24 February 1988;
- United Nations Convention against Organized Transnational Crime and its protocols I, II and III.

The Government has already requested the National Assembly currently in session for authorization to ratify the following conventions:

- Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents;
- International Convention against the Taking of Hostages;
- Convention on the Physical Protection of Nuclear Material;
- Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation;
- Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf;
- Convention on the Marking of Plastic Explosives for the Purpose of Detection;
- International Convention on the Suppression of Terrorist Bombings;
- International Convention for the Suppression of the Financing of Terrorism.

V. Penal measures

Article 532 of the Penal Code of Burkina Faso provides that any person on board an aircraft in flight, vessel or any other means of collective transport, who seizes or attempts to seize such aircraft, vessel or other means of transport by force or threat of force, or exercises control thereof, shall be punished by five to ten years' imprisonment.

Article 533 states that punishment of between five to ten years' imprisonment shall be applicable to any person who:

- destroys an aircraft, either in or out of service, in an airport serving civil aviation or causes damage to such aircraft which renders it incapable of flight or which is likely to endanger its safety in flight;
- places or causes to be placed, on an aircraft in or out of service, by any means whatsoever, a device or substance which is likely to destroy that aircraft, or to cause damage to it which renders it incapable of flight, or which is likely to endanger its safety in flight;
- destroys or damages air navigation facilities of an airport or interferes with their operation, if any such act is likely to endanger the safety of aircraft in service or of civil aviation.

The same penalties are applicable if the above-mentioned acts are committed on board vessels or other means of collective transport.

Article 534 states that if injury or ill health results from the acts described in articles 532 and 533, the penalty shall be 10 to 20 years' imprisonment.

Article 535 defines "aircraft in flight" and "aircraft in service" as follows:

"An aircraft is considered to be in flight at any time from the moment when all its external doors are closed following embarkation until the moment when any such door is opened for disembarkation. In the case of a forced landing, the flight shall be deemed to continue until twenty-four hours after any landing; the duration of service applies in any case to the entire time during which the aircraft is in flight within the meaning of the previous subparagraph."

It will be noted that acts of terrorism committed against aircraft and facilities are criminally punishable. The death penalty is also applicable in the event that an offence leads to the loss of human life.

VI. Observations

In view of the above, there can be no doubt of the Government's commitment to fight terrorism on its domestic territory and to join the international community in eradicating this scourge. It must nevertheless be recognized that given the meagre economic resources of Burkina Faso, the Government faces several difficulties, the most serious of which include:

- the lack of adequate infrastructure to combat this complex phenomenon;
- lack of appropriate training within the services and for agents carrying out this task;
- low scientific and technological level of existing equipment.

Conclusion

Burkina Faso is resolutely committed to combating terrorism in all its forms. It is prepared to participate in any bilateral or multilateral initiative that is in keeping with the ideals of the OAU Charter, of OIC or of the United Nations.